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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,956	01/09/2001	James D. Cliver	2960	6176

7590

11/18/2003

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Spartanburg, SC 29304

EXAMINER
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KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/756,956

Applicant(s)

CLIVER ET AL.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-42 pending.

#### ***Response to Amendment***

2. The rejection of claims 1-8, 17, 20, 22, 25-26, 28, 30, 34, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crenshaw (US 5,861,044), and further in view of Bouwknecht et al. (US 4,859,207) is maintained for the reasons recited in the previous office action dated April 8, 2003 in paper no. 7.

3. Claims 21 and 35 are rejected under 35 U.S.C. 103(a) as unpatentable over Crenshaw and Bouwknecht et al. as applied to claims 1-8, 17, 20, 22, 25-26, 28, 30, 34, and 36-37 above and further, in view of Hauser et al. (US 5,667,533).

4. Claims 3,4,6,9,14,16,27,29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crenshaw and Bouwknecht et al. as applied to claims 1-8, 17, 20, 22, 25-26, 28, 30, 34, and 36-37 above and further, in view of Egli et al. (US 3,743,477).

5. Claims 10-13, 15, 18-19, 23-24, 32-33, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crenshaw and Bouwknecht et al. as applied to claims 1-9, 14, 16-17, 20, 22, 25-31, 34, and 36-37 above, and further in view of Fadler nee Jack et al. (US 4,023,925).

#### ***Response to Arguments***

6. Applicant's arguments filed September 10, 2003 have been fully considered but they are not persuasive.

7. Regarding the rejection of Crenshaw in view of Bouwknecht et al., Applicant's urge that the prior art does not teach a patterned effect using a physical bonding

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mechanism that prevent the treated region of the fabric from becoming fully saturated while exposing substantially the entire fabric to the dye. Instead the prior art teaches a chemical reaction to achieve the patterned effect. Regarding the rejection of Crenshaw and Bouwknecht et al. in view of Hauser et al., Applicants urge that Hauser et al. teach a chemical bonding to cellulosic fibers to create a heather appearance. Regarding the rejection of Crenshaw and Bouwknecht et al. in view of Fadler nee Jack et al., Applicants urge that Fadler nee Jack et al. do not teach a mechanical inhibition of dyes.

8. However, Applicant's have not disclosed what portion of the prior art (column, line #) is relied upon to come to the conclusion that the teachings in the prior art are chemical reactions and furthermore it is not seen how the instant claims are limited to only mechanical reactions or physical bonding reactions. Thus, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

9. Specifically Regarding the rejection of Crenshaw and Bouwknecht et al. in view of Egli et al., Applicants argue hindsight reasoning. However, it is well within the skill of one of ordinary skill in the art, to utilize an alginate print paste and disperse dyes in the process taught by Crenshaw and Bouwknecht et al., because Egli et al. teach the utility of alginate print pastes and disperse dyes in the dyeing process and further, Crenshaw and Bouwknecht et al. teach the utility of various methods of dyeing in general.

### ***Conclusion***

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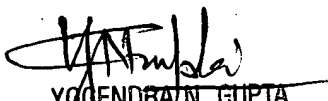
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 703-308-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

  
YOGENDRA N. GUPTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

Preeti Kumar  
Examiner  
Art Unit 1751

PK